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October 2, 2013

Damian Friebe  
NJDEP Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, NJ 08625-0420

RE: 13 August 2013 NJDEP Request for Further Information  
LURP Application - File No. 1225-02-0019.6, FHA130001 and FHA130002  
Former Hatco Site  
1020 King Georges Road  
Edison, Middlesex County, NJ  
NJDEP PI#G000003943

Mr. Friebe:

In response to a request for clarification, I am writing to inform you that I have personally reviewed Weston Solutions, Inc.'s (Weston's) *Northeast Impoundment Addendum Letter to the RAWP Addendum 3*, dated 18 May 2011 (Attachment 1). Additionally, I have reviewed related correspondence from both the USEPA (Attachment 2) and the NJDEP Case Management Team in place at the time of the Addendum's submission (Attachment 3), as well as related response documents provided by Weston (Attachment 4).

It is my professional opinion as the Licensed Site Remediation Professional (LSRP) of Record for the Hatco Remediation project that the Addendum and its related correspondence are acceptable for implementation. Please consider this letter to be my formal approval of the May 2011 Addendum. The proposed remedial action plan as shown on Drawing Sheets C103 through C106 is an accurate depiction of site conditions requiring remediation and permit approval.

Should you have any questions or require further clarification, please reach me by phone (609-683-4848, x222) or email ([mfisher@elminc.com](mailto:mfisher@elminc.com)).

Sincerely,

**THE ELM GROUP, INC.**

Mark D. Fisher, CHMM, LSRP  
Principal

ATTACHMENT 1

NORTHEAST IMPOUNDMENT ADDENDUM LETTER TO THE RAWP  
ADDENDUM 3  
DATED 18 MAY 2011



**WESTON SOLUTIONS, INC.**  
205 CAMPUS DRIVE  
EDISON, NEW JERSEY 08837  
732-417-5800 • FAX: 732-417-5801

***The Trusted Integrator for Sustainable Solutions***

May 18, 2011

Ms. Lynn Vogel, Case Manager  
New Jersey Department of Environmental Protection  
Bureau of Case Management  
401 E. State St.  
5th Floor, PO Box 028  
Trenton, NJ 08625

Henry A. Mazzucca  
U.S. Environmental Protection Agency, Region II  
Pesticides & Toxic Substances Branch  
2890 Woodbridge Avenue  
Bldg. 10 (MS-105)  
Edison, NJ 08837-3679

**Re: Northeast Impoundment Addendum Letter to the RAWP Addenda 3  
Hatco Corporation Site  
Fords, New Jersey**

Dear Ms. Vogel and Mr. Mazzucca:

This letter provides the Northeast Impoundment Addendum to the Weston Solutions, Inc. (Weston®) approved Remedial Action Workplan (RAWP) (August 18, 2005 Hatco Site Consolidated RAWP, August 2006 Addendum, September 2006 Revised Addendum, and August 2009 Addendum No. 3) in response to the New Jersey Department of Environmental Protection (NJDEP) March 4, 2011 email and the United States Environmental protection Agency (USEPA) March 4, 2011 email related to the Northeast Impoundment.

For purposes of clarity, the following provides the responses to NJDEP's March 4, 2011 email which also address EPA's March 4, 2011 email comments. The NJDEP stated that, "Weston must provide the following information for review, pursuant to the requirements of Technical Requirements for Site Remediation, N.J.A.C. 7:26E Subchapter 6:

**Comment No. 1:** A detailed discussion on the remedial activities at AEC7A, AEC14 (Naphthalene Area) and AEC6 (Phthalic Anhydride Residue Area). A reference to past submissions is not appropriate, without providing a copy of the actual submission or a detailed summary of its contents.

## **Weston Response:**

### ***AEC 6 (Phthalic Anhydride Process Area)***

The former phthalic anhydride process area was constructed in approximately 1961, with a second unit added in approximately 1963. The first unit produced phthalic anhydride through use of naphthalene and generated distillation bottoms containing acenaphthylene, pyrene, phenanthrene, and isophorone. The second process unit purified coal-tar derived feedstocks, producing residues containing picolines, quinoline, phenol and cresols. The process discontinued in approximately 1971.

DRAI performed a soil boring investigation to characterize contamination in the phthalic anhydride process area in March 1988 and September 1989. Appendix F-4 of DRAI's May 1993 *Remedial Investigation Report* (provided as Attachment 1) summarizes these investigations. AEC 6 is located due west of the current Northeast Impoundment, and southwest of AEC 14. Historical investigations performed by DRAI and Environ suggested elevated base neutral compounds, PCBs and total petroleum hydrocarbons in this area.

Investigation conclusions provided by DRAI indicate that the PA Process Area was comprised of up to 1.5 feet of miscellaneous fill material atop a sand subsurface, with variable concentrations of base neutral compounds and low-level PCB contamination across the area. The highest base neutral compounds were located between 1.5 and 3 feet bgs, well above the groundwater interface at 8.5 feet bgs.

No remediation activities are known to have been performed by previous consultants for AEC 6. As indicated in Weston's approved 2009 *Addendum 3 to the Consolidated RAWP*, an engineering control will be utilized to complete remediation of AEC 6, as part of the site-wide engineered cap.

### ***AEC 7A (Phthalic Anhydride Residue Area)***

The phthalic anhydride residue area, known as AEC 7A, was located east and south of the former phthalic anhydride processing plant, AEC 6. The AEC 7A area historically received waste residue from the phthalic anhydride plant; the residue was characterized by DRAI as a black-brown brittle material. Results of soil sampling indicated that elevated concentrations of K-024, a listed hazardous waste, and naphthalene. The waste material was estimated to be up to five feet thick in some portions of AEC 7A. DRAI's July 1989 *Summary of Soil and Sediment Investigation* (relevant portion provided as Attachment 2) summarizes post-excavation sampling results.

Remediation of AEC 7A was performed in July-August 1988, including removal of 18,000 cubic yards of soil removed for offsite disposal. Excavation was completed until a silty clay layer was encountered, at approximately 10 feet bgs in the north and central portions of AEC 7A, and at approximately five feet bgs in the southern portion of AEC 7A. The silty clay layer was believed to be a confining unit. No post-excavation samples were collected at this time. DRAI did not

backfill the excavation after soil removal activities due to lack of client approval from Hatco. Subsequently, in August and September 1989, two separate rounds of post-excavation samples were collected from the K-024 excavation. This included 18 base samples and 21 sidewall samples. Appendix F-6 of DRAI's May 1993 Remedial Investigation Report (provided as Attachment 3) summarizes post-excavation sampling results.

Post-excavation sampling indicated base neutral and PCB contamination above applicable cleanup standards, but no further excavation was proposed due to the proximity of Slingtail Creek's bank and the potential of breaching the confining clay unit. However, DRAI recommended further excavation of the three sidewalls which did not border Slingtail Creek. Weston has not found any documentation that this additional recommended excavation was performed. After completion of remediation and post-excavation sampling at AEC 7A, no backfilling or regrading was performed. Over time, the excavation filled with rainwater and surface water runoff, eventually becoming the area now called the Northeast Impoundment.

Weston performed several rounds of investigation within the Northeast Impoundment between 2009 and 2010. Results are discussed in a subsequent section of this addendum.

#### ***AEC 14 (Naphthalene Area)***

The naphthalene residue disposal area, located immediately north of the current Northeast Impoundment, was investigated by DRAI in August 1988 and September 1989. Identified as AEC 14, the naphthalene residue was first discovered during DRAI's July 1988 soil excavation at adjacent AEC 7A. AEC 14 was historically used for naphthalene disposal during operation of the second phthalic anhydride unit located in AEC 6.

In October 1989, six test pits/trenches were installed to access subsurface conditions, and to determine the horizontal / vertical extent of suspected naphthalene residue. Appendix F-3 of DRAI's May 1993 *Remedial Investigation Report* (provided as Attachment 4) summarizes these investigations, which determined that a black brittle layer of naphthalene residue was present across the area. The residue, overlain by red-brown fill material, ranged in thickness from three inches to three feet across the area, and was generally encountered between 0.75 and 4 feet below ground surface (bgs). Underneath the naphthalene residue layer, a naturally-occurring grey clay was identified by DRAI. No similar material has been encountered in subsequent investigations performed either on-site or off-site; the naphthalene material in historic AEC 14 is not physically or chemically similar to material encountered on the downgradient Channel D parcel, identified by the off-site property owner EPEC as "NAPL".

DRAI indicates that the layer of naphthalene residue was most likely resultant from a discharge pipe located at the southwest corner of AEC 14, just northwest of the Northeast Impoundment. DRAI proposed excavation and off-site disposal of the naphthalene residue material, and any impacted overlying soils, estimated to be 1,900 to 2,850 cubic yards. No historic remediation appears to have been performed.

During Weston's spring 2010 excavation activities, excavation area X137 was completed just north of the Northeast Impoundment, within the former AEC14 footprint. Weston encountered the naphthalene residue layer within X137, and extended the footprint of the excavation to "chase" and remove the visible naphthalene residue layer. The results of this excavation are detailed in Weston's November 2010 Progress Report, Figure 3B (provided as Attachment 5). Remaining visible naphthalene residue could not be removed at the time of excavation without potentially compromising the north bank of the Northeast Impoundment or the west bank of Slingtail Creek in the vicinity of X137; these few remaining pockets of naphthalene residue will be removed during Northeast Impoundment remediation activities.

**Comment No. 2:** A summary of all pre- and post-excavation data (soil, sediment, groundwater, surface water, etc.) collected in the Northeast Pond and Slingtail Creek area. Weston must include data collected as part of remedial activities associated with AEC7A, AEC6, and AEC 14; as well as all data collected by Weston or any other consultant as part of the remedial investigation or in preparation for the implementation of additional remedial activities at the site. The data must be summarized in table, figure and text form. Weston should clarify which samples represent conditions prior to the historic remedial activities associated with AEC7A, AEC6, and AEC 14, as well as those samples which represent existing site conditions.

**Weston Response:**

***AEC 6 (Phthalic Anhydride Process Area)***

Historical sample locations for AEC 6 are presented on Figure 1, and corresponding sample data is presented in Table 1. Weston collected limited sample data during the 2007 site-wide investigation specifically to determine the extent of the engineered cap in this area, and not to further characterize existing contamination. This information was presented in Weston's 2007 *Data Progress Report* (dated November 2008) and Weston's 2009 *Addendum 3 to the Consolidated RAWP*. Both Weston documents are included in PDF format as attachments to this Addendum (Attachments 6 and 7) for ease of reference.

***AEC 7A (Phthalic Anhydride Residue Area)***

Historical sample locations for AEC 7A are depicted on Figure 1, and corresponding sample data is provided in Table 1. Figure 2 provides a more detailed overview of historical sample locations for this AEC. Samples collected from prior to July 1988 are indicative of historical conditions, while samples dated after July 1988 represent post-historical (DRAI-conducted) remediation concentrations remaining in AEC 7A, now known as the Northeast Impoundment. Weston conducted sampling of sediments at the base of the Northeast Impoundment in July 2009. Results of this investigation are provided in Table 2 and depicted on Figure 3. Samples show low level concentrations of PCBs, naphthalene and bis-2-ethyhexyl phthalate present in impoundment sediments.

### ***AEC 14 (Naphthalene Area)***

Historical sample locations for AEC 14 are depicted on Figure 1, and corresponding sample results are presented in Table 1. Samples collected prior to 2010 are indicative of historical conditions. Weston collected a total of 47 post-excavation samples from this AEC during the remediation of X137, as detailed in Weston's November 2010 Progress Report. Locations and analytical results for post-excavation samples are presented in Attachment 5, as previously discussed.

Remaining visible naphthalene residue could not be removed at the time of excavation without potentially compromising the north bank of the Northeast Impoundment or the west bank of Slingtail Creek in the vicinity of X137; these few remaining pockets of naphthalene residue will be removed during Northeast Impoundment remediation activities. Additional post-excavation samples will be collected during this removal effort.

**Comment No. 3:** A detailed discussion on the proposed remedial strategy (i.e. excavation, cap, reconstruction, etc).

**Weston Response:** The history of the impoundment, including when and how it was formed.

The Northeast Impoundment was created through remediation of AEC 7A (also known as the K-024 area) in July-August 1988, which included removal of 18,000 cubic yards of soil for offsite disposal. The consultant at the time, DRAI, did not backfill the excavation after soil removal activities due to of the property owner's filed bankruptcy. In August and September 1989, two separate rounds of post-excavation samples were collected from the K-024 excavation.

Post-excavation sampling indicated base neutral and PCB contamination above applicable cleanup standards. After completion of remediation and post-excavation sampling at AEC 7A, no backfilling or regrading was performed. Over time, the excavation filled with rainwater and surface water runoff, eventually becoming the area now called the Northeast Impoundment.

Weston notes that the Northeast Impoundment was always slated to be backfilled and capped per the approved RAWP Addendum No. 3. Weston subsequently believed the Northeast impoundment was potentially emerging wetlands. **Since NJDEP Land Use declared that the Northeast Impoundment and buffer areas are not regulated as wetlands** (as provided in Attachment 10), Weston is proposing its original, approved plan to backfill and cap the Northeast Impoundment. Weston applied for an official Letter of Interpretation from NJDEP Land Use on March 21, 2011 regarding this issue and the NJDEP is in the process of issuing an LOI that states that the Northeast Impoundment and buffer areas are not regulated as wetlands.

The selected remedial strategy for the Northeast Impoundment is as follows:

1. Site preparation
2. Dewatering of surface water in the Northeast Impoundment;
3. Removal of biota;



4. Placement of a biaxial geogrid and eight inches of stone atop sediments at the base of the Northeast Impoundment;
5. Backfilling the Northeast Impoundment with material consolidated from other areas of concern (AOCs) with concentrations greater than 2 mg/kg dry weight PCBs and less than 500 mg/kg dry weight PCBs; and,
6. Capping the Northeast Impoundment with two feet of imported, certified clean fill.

#### Site Preparation

Weston will set up and maintain temporary construction fencing around the work area during remedial activities.

#### Northeast Impoundment Dewatering

Approximately 4 feet of surface water have accumulated in the Northeast Impoundment from storm events. This amounts to approximately 480,000 gallons of surface water. Weston collected a representative surface water sample on April 29, 2010 and analyzed it for VOCs, SVOCs, metals and PCBs. Additionally, two groundwater samples were collected from monitoring wells adjacent to the Northeast Impoundment to evaluate for potential communication between groundwater and surface water within the impoundment. Results of a surface water investigation conducted by Weston in April 2010 are shown on Figure 4. There were no exceedances above discharge standards, and results also indicated no communication between groundwater and surface water within the impoundment. Prior to mobilizing to the site to perform the Northeast Impoundment remediation, Weston will collect another representative surface water sample for VOC, SVOC, metals and PCB analyses to ensure that the surface water being discharged is clean.

Demonstrated clean surface water in the Northeast Impoundment will be pumped out through use of a submersible pump at a rate of less than one foot of impoundment water depth per day. The pumped clean surface water will be filtered through sedimentation bags and released to the vegetated area east of the Northeast Impoundment and into the adjacent Slingtail Creek. This method of dewatering and water release was approved by the Freehold Soil Conservation District and NJDEP per the NJPDES General Permit for Stormwater Discharge associated with Construction Activity (Permit No. NJG0088323), dated November 16, 2007.

#### Biota Removal

Incidental observations while conducting wetland and remedial investigations indicate that the Northeast Impoundment currently supports populations of fish, frogs and turtles. Piscivorous birds such as Great-blue heron (*Ardea herodias*), Belted kingfisher (*Megaceryle alcyon*) and Common egret (*Ardea alba*) have also been observed foraging there. Sunfish (*Lepomis* sp.), green frogs (*Rana clamitans*), and different species of turtles, such as snapping turtles (*Chelydra serpentina*), and painted turtles (*Chrysemys picta*).



Based on discussions with Ms. Nancy Hamil of NJDEP, it may not be advisable to retain or transplant all the biota in the Northeast Impoundment, since the PCB concentrations in the sediment indicate these animals have likely accumulated PCBs in their tissue that may be passed upward into the food chain. Therefore any fish collected prior to dewatering the impoundment will not be transported but will be disposed of with waste soil.

Weston also recommends that only the smaller, younger frogs be transplanted to the western side of the site and off-site areas associated with Crown Relocations and Channel B as part of the wetland restoration effort. This will require approval of the adjacent property owners.

An exception to this plan is if any large snapping turtles (e.g. greater than 11 inches) are found they will be transported to the pond on the property currently owned by Crown Relocations. This is because large snapping turtles are very old and it would take years to replace this resource. According to Obbard (1983), snapping turtles with carapace length over 11 inches are approximately 25 years old. Since these turtles are too large to be prey items for herons or other piscivores, and required a permanent water body to live, it is proposed that any individuals this large that are encountered will be transferred to the off-site Crown Relocations pond on the west side of the Hatco property.

#### Placement of Poly Liner and 8 Inches of Stone atop Sediments

Weston performed geotechnical testing as part of the embankment stability study. Based on relationships between compressibility and index properties (from established geotechnical Atterburg Limits), it is estimated that the settlement from the underlying stiffer clay soil will be less than one inch from a cap/fill layer of up to about six feet.

Therefore, a stabilizing layer of poly liner overlain by eight inches of stone will be placed on top of the sediments at the bottom of the impoundment to effectively distribute settlements so large differential settlements are minimized. The poly liner and stone layers will also have the benefit of creating a temporary working pad to better support the weight of the construction equipment that will be used for backfilling the impoundment. Further, the poly liner and stone will help distribute the weight of the backfilled material more evenly and allow for a better long-term cap to remain in place.

#### Backfilling the Northeast Impoundment

The Northeast Impoundment will be backfilled with soils excavated and consolidated from other areas of concern (AOCs) with concentrations greater than 2 mg/kg dry weight PCBs and less than 500 mg/kg dry weight PCBs. In accordance with the approved Soil Reuse Plan, soil will be sampled and analyzed prior to backfilling in the Northeast Impoundment to verify acceptability to backfill. Soils will be backfilled without compaction and with no specific defined future use other than to support the load of the cap. Similar to the former lagoon area, the Northeast Impoundment will be a secure and controlled repository of consolidated contaminated material. Similar to the former lagoon area, the poly liner in the Northeast Impoundment will prevent any backfilled contaminant migration into the surrounding area or groundwater.

### Capping the Northeast Impoundment

Weston will cap the Northeast Impoundment by backfilling two (2) feet of imported, certified clean fill atop the backfilled soil, in accordance with the approved RAWP. To prevent soil erosion, the Northeast Impoundment will be hydro-seeded after cap placement in accordance with the approved SESC Plan.

**Comment No. 4:** A detailed discussion on the size, extent, and construction specifications of any proposed cap (i.e. area-wide or pond-bottom only) in text and figure form (i.e. aerial view and cross-section).

**Weston Response:** The Northeast Impoundment will be capped in accordance with the approved RAWP. Figure 5 shows the extent of the Northeast Impoundment cap. Figure 6 shows a cross-section from the approved RAWP of the soil cap to be placed on the Northeast Impoundment.

**Comment No. 5:** A detailed discussion on additional excavation requirements including an order-of-magnitude review for the Department's 2008 Department Soil Remediation Standards.

**Weston Response:** Weston performed an order-of-magnitude analysis of Hatco soil sample results during development of the August 2009 Addendum 3 to the Consolidated RAWP. Naphthalene was identified as the only on-site Hatco soil contaminant with an order-of-magnitude change between the Non-Residential Soil Remediation Standard and the 2008 Soil Remediation Standard. Figure 3 of Addendum 3 provides an overview of all Hatco soil sample locations affected by the order-of-magnitude remediation standard change. This figure is included as Attachment 8 for ease of reference.

All soil samples shown on Attachment 8 which contain naphthalene above the applicable 2008 SRS have been remediated as part of Weston's 2010 excavation activities, with two exceptions. Samples within the rail siding corridor in the southern portion of the site have not yet been remediated. Additionally, the samples containing naphthalene above the 2008 SRS within the confines of the Northeast Impoundment remain in place pending final NJDEP approval of the remedial approach for this area.

Please note that sample location B-1 within offsite Channel B was incorrectly located on this figure. Historical DRAI reports indicate that this naphthalene sample is actually base sample B-1 collected as part of the AEC 7A post-excavation sampling event in 1989. This sample location is properly depicted in Attachment 3 (Figure 1 of attachment) of this Addendum.

**Comment No. 6:** A detailed discussion on the material to be used to cap and backfill as needed (i.e. area-wide or pond bottom only). If Weston intends to backfill using contaminated soils from other portions of the site, the Department reminds Weston that soils with elevated concentrations of PCBs (up to 500 ppm) may not be appropriate for reuse in this area where PCBs concentrations are significantly less.

**Weston Response:** The Northeast Impoundment will be backfilled with soils excavated and consolidated from other areas of concern (AOCs) with concentrations greater than 2 mg/kg dry weight PCBs and less than 500 mg/kg dry weight PCBs. In accordance with the approved Soil Reuse Plan, soil will be sampled and analyzed prior to backfilling in the Northeast Impoundment to verify acceptability to backfill. Soils will be backfilled without compaction and with no specific defined future use other than to support the load of the cap. Similar to the former lagoon area, the Northeast Impoundment will be a secure and controlled repository of consolidated contaminated material. Similar to the former lagoon area, the poly liner in the Northeast Impoundment will prevent any backfilled contaminant migration into the surrounding area or groundwater.

Regarding the cap, the Northeast Impoundment will be capped in accordance with the approved RAWP. Figure 5 shows the extent of the Northeast Impoundment cap. Figure 6 shows a cross-section from the approved RAWP of the soil cap to be placed on the Northeast Impoundment. The proposed remedial approach will be protective of the environment by capping the remaining contaminated sediments and backfilling the pond using material excavated from other portions of the site.

**Comment No. 7:** Since Hatco has suggested that this area would be redeveloped if capped, Weston must include a discussion on potential future use of the area relative to existing and backfill contaminant concentrations.

**Weston Response:** Chemtura's planned future use for this area would be for active business purposes. It is premature at this time to develop specific plans for the area. However, manufacturing use would incorporate some or all of the following: manufacturing buildings, warehouse, tank farm, roadways, storage, or support area. It is understood that Weston will not be capping to a specification that provides a guaranteed level of load bearing capacity. Future use of the area above the cap by Chemtura will have to take this into consideration when plans are developed. It is unlikely that significant sub-surface disturbance, beyond that needed for installation of foundation elements and certain utilities, would be necessary to support construction activity.

**Comment No. 8:** A detailed discussion of dewatering methods to be used, as well as a discussion on proper disposal or treatment of water, sediments, and biota (i.e. fish, etc).

**Weston Response:** See Response to Comment No. 3.

**Comment No. 9:** List of all required permits.

**Weston Response:** Weston has obtained a NJPDES General Permit for Stormwater Discharge associated with Construction Activity (Permit No. NJG0088323), dated November 16, 2007, which is provided as Attachment 9. Weston plans to utilize this discharge permit for the discharge of the Northeast Impoundment surface water into the adjacent Slingtail Creek via sedimentation bags.

**Comment No. 10:** A detailed discussion on how the revised remedial approach will be protective of all ecological receptors including Slingtail Creek.

**Weston Response:** The revised remedial approach is actually consistent with what was approved by NJDEP and USEPA in the approved RAWP. The remedial approach includes complete capping of the Northeast Impoundment and as a result certain ecological receptors identified in the Biota Removal section above will be directly impacted. Fish, some larger frogs and smaller turtles that are presently assumed to be contaminated with PCBs would experience direct mortality as a result. While piscivorous birds and any piscivorous mammals would lose approximately an acre of open water habitat that currently provides fish, the source of PCB uptake into the food chain would be eliminated by the remedial action. Under the current plan this resource would not be replaced or mitigated, as the Department has verbally indicated the Northeast Impoundment would not be regulated under the Freshwater Wetlands Protection Act.

The ecology of Slingtail Creek would remain largely unaffected by the proposed remedial action approach. There is no existing connection between the Northeast Impoundment and the creek on the northern or eastern sides, and only during severe precipitation events does any water seep from the sides of the berm structure at the southern end into the stream. Field observations indicate this is a trickle. The berm structure at the lower end of the Northeast Impoundment would be stabilized by the placement of fill and capping and thus the possibility of berm failure would be eliminated by dewatering and filling the impoundment.

Please contact me at (732) 417-5834 if you have any questions or comments.

Very truly yours,

WESTON SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read "Daniel Kopcow".

Daniel Kopcow, P.E., PMP  
Project Manager

cc: J. Mitch – Woodbridge Township  
P. Meyer, S. Castles - Chemtura  
J. Millikin - Hatco  
S. Piatkowski, A. Karp, G. Kramer, V. Puranapanda - ACE  
File 2.5

ATTACHMENT 2

CORRESPONDENCE FROM USEPA  
RE: NORTHEAST IMPOUNDMENT ADDENDUM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
EDISON, NEW JERSEY 08837

JUN 1 2012

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**Account No. 7011 2970 0003 2009 1909**

Mr. Daniel Kopcow, P.E., PMP  
Project Manager  
Weston Solutions, Inc.  
205 Campus Drive  
Edison, New Jersey 08837

**Re: Hatco Site**

Dear Mr. Kopcow:

This letter is in response to your April 17, 2012 correspondence (and your two follow-up electronic messages dated May 30, 2012) regarding the Northeast Impoundment. Weston Solutions, Inc. (Weston) proposes to backfill the Impoundment with material containing polychlorinated biphenyls (PCBs) at levels of 10 milligrams per kilogram or less. The source of this material will be either from on-site excavations or soils associated with remediation of the Channel D area.

Please be advised that Weston has addressed the United States Environmental Protection Agency's comments concerning the Northeast Impoundment and the work can proceed. If you have any questions, please feel free to contact Mr. James Haklar of my staff at 732-906-6817, or at [haklar.james@epa.gov](mailto:haklar.james@epa.gov).

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John Gorman".

John Gorman  
Chief

Pesticides and Toxic Substances Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837-3679

NOV 29 2011

**VIA ELECTRONIC AND REGULAR MAIL**

Mr. Daniel Kopcow, P.E., PMP  
Project Manager  
Weston Solutions, Inc.  
205 Campus Drive  
Edison, New Jersey 08837



**Re: Hatco Site, Fords, New Jersey  
Northeast Impoundment Addendum**

Dear Mr. Kopcow:

This letter is in response to your May 18, 2011 submission of the Northeast Impoundment Addendum to Weston Solutions Inc.'s (Weston's) Remedial Action Workplan for the Hatco Site. The Northeast Impoundment Addendum proposed backfilling the Northeast Impoundment (also known as "AEC 7A Phthalic Anhydride Residue Area," and formerly referred to as the "Northeast Pond") with material excavated from other areas associated with the Hatco Site having PCB concentrations greater than 2 mg/kg (ppm) and less than 500 ppm dry weight PCBs and then capped. According to the information submitted in support of the Northeast Impoundment Addendum, the Northeast Impoundment is an artifact of an earlier cleanup that was never backfilled.

Please be advised that the United States Environmental Protection Agency (EPA) cannot approve Weston's proposal to backfill the Northeast Impoundment with PCB-contaminated material. EPA's March 30, 2005 Risk-Based PCB Disposal Approval provides for the excavation and backfill of PCB contaminated materials, at levels less than 500 ppm dry weight, within the two on-site lagoons (also known as the "former lagoon area"). The Risk-Based PCB Disposal Approval does not provide for disposal of PCB contaminated materials within the Northeast Impoundment, nor does the Northeast Impoundment Addendum demonstrate that the Northeast Impoundment is an appropriate location for disposal of PCB contaminated material. While Weston maintains that the Northeast Impoundment was always intended to be backfilled and capped, we cannot find any detailed discussion of this activity in the Remedial Action Workplan. More significantly, Weston is proposing to backfill an area with relatively low levels of PCB contamination (25 ppm maximum) and that was never designed as an impoundment or a chemical waste lagoon, with material that can be contaminated with PCBs at levels approaching 500 ppm.



Based on the above, we reiterate that the EPA cannot approve the Northeast Impoundment Addendum. Weston should continue the remediation of the Hatco Site and surrounding impacted areas with the understanding that the Northeast Impoundment will not be used for the disposal of PCB waste.

If you have any questions, please feel free to contact Mr. James Haklar of my staff at 732-906-6817, or at [haklar.james@epa.gov](mailto:haklar.james@epa.gov).

Sincerely yours,

A handwritten signature in blue ink, appearing to read "John Gorman", with a stylized flourish at the end.

John Gorman  
Chief  
Pesticides and Toxic Substances Branch

cc: Lynn Vogel, New Jersey Department of Environmental Protection

ATTACHMENT 3

CORRESPONDENCE FROM NJDEP  
RE: NORTHEAST IMPOUNDMENT ADDENDUM



## State of New Jersey

CHRIS CHRISTIE  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Case Management  
401 East State Street  
P.O. Box 420 Mail Code 401-05F  
Trenton, NJ 08625-0420

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

Daniel Kopcow  
Weston Solutions Inc  
205 Campus Dr  
Edison, NJ 08837

February 17, 2012

Re: Response to NJDEP and USEPA Northeast Impoundment Addendum Notice of Deficiency Letter dated January 19, 2012  
Hatco Chemical Corporation  
1020 King George Post Road  
Fords, Woodbridge Twp, Middlesex County, NJ  
SRP PI No.: G000003943, EA No.: RPC000001

Dear Mr. Kopcow:

The New Jersey Department of Environmental Protection (Department) acknowledges receipt of the Response to NJDEP and USEPA Northeast Impoundment Addendum Notice of Deficiency (NOD) Letter, dated January 19, 2012. The January 2012 Response to NOD Letter was written in response to the Department's November 15, 2011 NOD for the Northeast Impoundment Addendum Letter to the RAWP Addenda 3, dated May 18, 2011 for the Hatco Site. The May 2011 RAWP Addenda 3 was submitted in response to the Department's March 4, 2011 email requesting additional information on the proposed remedy strategy on the Northeast Impoundment (previously known as Northeast Pond and the AEC 7A - phthalic anhydride residue area). These documents were submitted by Weston Solutions pursuant to the Administrative Consent Order (ACO) executed on May 2005 and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (TRSR).

The Department acknowledges that Weston has submitted paperwork to officially "opt-in" to the LSRP program. The Department has the following comments concerning Weston's January 19, 2012 Response to NOD Letter.

**1. Weston's Response to NJDEP Comments No. 1A, Page 2:** The November 15, 2011 NOD stated that based on "the Department's Fill Guidance at SRP Sites (dated August 2011), the Department could not approve the backfilling of the Northeast Pond/Impoundment Area as proposed (i.e. with soils with PCB concentrations up to 500 mg/kg) as this could result in this previously remediated AOC becoming more contaminated." In response Weston stated, "In accordance with NJDEP's Alternative and Clean Fill Guidance for SRP Sites, v. 2.0, dated December 31, 2011, Weston proposes to utilize only soils containing 25 mg/kg or less for PCBs as backfill material for the Northeast Impoundment." The Department reiterates that Section 4.3,

of the updated Alternative and Clean Fill Guidance for SRP Sites, (v. 2.0, December 29, 2011) states, "To minimize the potential use of alternative fill with higher contaminant concentrations than in the receiving AOC, alternative fill is acceptable provided the maximum contaminant concentrations in the alternative fill are less than the 75<sup>th</sup> percentile of the contaminant concentrations already present at the receiving AOC." Per the December 2011 Fill Guidance, Weston shall calculate the 75<sup>th</sup> percentile of the existing PCB data within the Northeast Impoundment in order to determine acceptable PCB concentrations in the backfill material. A quick review of the available data by the Department suggests that the 75<sup>th</sup> percentile of the Northeast Impoundment data is approximately 6 mg/kg for PCBs. However, per the December 2011 Fill Guidance, Weston may also choose to use a more statistically-based compliance option, such as the "the 95<sup>th</sup> percent upper confidence limit (95<sup>th</sup> UCL)." However, as noted in the December 2011 Fill Guidance, when opting for the 95<sup>th</sup> UCL calculation, a variance must be requested, and "additional samples may have to be collected and analyzed to better characterize the volume of material with higher contaminant concentrations and provide sufficient data for the statistical calculations required." A quick review of the available data by the Department suggests that 95<sup>th</sup> UCL is approximately 12 mg/kg for PCBs. The Department's Alternative and Clean Fill Guidance for SRP Sites, v. 2.0, dated December 29, 2011 can be found at [http://www.nj.gov/dep/srp/guidance/srra/fill\\_protocol.pdf](http://www.nj.gov/dep/srp/guidance/srra/fill_protocol.pdf).

**2. Weston's Response to NJDEP Comments No. 1A, Page 2:** In addition, Weston stated that "soils that could potentially be used as backfill material for the Northeast Impoundment included "...1) proposed excavation material designated as containing less than 500 mg/kg PCBs...which have not yet been excavated, and 2) overburden soils from the eastern leg of the LNAPL area." Weston further clarified that "possible excavations to be utilized as backfill material...may include X003, X005, X007, X013, X016, X018, X020, X114, X129, X130 and/or X133 as identified in Weston's 2009 Addenda 3 to the RAWP." A review of Figure SP-1 (2009 Addenda 3 to the RAWP) indicates that the above referenced excavations all lie outside of the LNAPL plume area and therefore are acceptable for use as backfill material for the Northeast Impoundment. However, the Department does not approve the use of any soil (including overburden material) excavated from within the known LNAPL plume extent as appropriate backfill material for the Northeast Impoundment.

**3. Weston's Response to NJDEP Comments No. 1B, 2 and 3, Pages 2 and 3:** In the November 15, 2011 NOD, the Department stated that based on a review of historic data, "additional remediation was required to complete the remedial activities started in 1988 that were never finished." In response, Weston stated that "Excavation of highly contaminated materials along the north, west and east sidewalls of the former phthalic anhydride residue area...is required to ensure complete removal of the crystalline naphthalene waste material encountered during excavation of X-137..." Weston also noted since these areas, that require remediation, fall within the footprint of the engineered cap, Weston proposes to excavate and dispose off-site, only highly-contaminated material (black crystalline material and soil) with naphthalene concentrations greater than 1,700 mg/kg. The Department finds this proposal to complete the remediation of phthalic anhydride residue area (AEC-7A) potentially acceptable based on the current proposed engineered cap extent. However, Weston must also develop a site-specific impact to groundwater soil remediation standard (IGWSRS) for naphthalene to

determine the appropriate clean-up criteria for the remediation of this area. Guidance on the development of site-specific IGWSRS can be found at [http://www.nj.gov/dep/srp/guidance/rs/igw\\_intro.htm](http://www.nj.gov/dep/srp/guidance/rs/igw_intro.htm).

**4. Weston's Response to NJDEP Comments No. 1B, 2 and 3, Page 2 and 3, and Figure 1:**

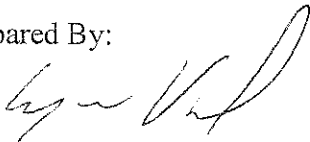
Weston stated, "The proposed excavation extent is depicted on Figure 1. Figure 1 also provides the extent of the engineered cap in this area, for ease of reference." However, a review of Figure 1 suggests that AEC-14 is no longer within the proposed engineered cap. The Department acknowledges that excavation of naphthalene contaminated materials in AEC-14 will continue in conjunction with the remedial activities proposed for the Northeast Impoundment Area. However, the Department notes that if AEC-14 is not included within the footprint of the engineered cap, then the proposal to remove "only highly-contaminated material (black crystalline material and soil) with naphthalene concentrations greater than 1700 mg/kg" cannot be accepted by the Department. Weston should be aware that soils which are outside the engineered cap extent shall be remediated to the Department's 1999 NRDCSCC, or in the case of naphthalene, based on the order of magnitude review, the Department's 2008 NRDCSRS of 17 mg/kg.

**5. May 2011 Northeast Impoundment Addendum Letter to the RAWP Addenda 3, Page 6 and 7:**

Please note, the Department inadvertently left out a comment from their November 15, 2011 NOD. In the Response to Comment No. 3, (May 2011 Addendum Letter to the RAWP Addenda 3), Weston indicated that only "smaller, younger frogs and large snapping turtles" will be transplanted to another pond, and that "any fish collected prior to dewatering will be not be transported but will be disposed of with waste soil." The Department requests, to the extent practicable, that if the pond is drained, that all amphibians and reptiles, regardless of size or age, be transferred to a nearby pond or wetland; such that disposal of biota shall be limited only to fish.

If you have any questions regarding this matter contact Lynn Vogel, Case Manager at (609) 984-5311, or at [Lynn.Vogel@dep.state.nj.us](mailto:Lynn.Vogel@dep.state.nj.us), prior to the date indicated.

Prepared By:



Lynn E. Vogel, PG, CHMM, Case Manager  
Bureau of Case Management

Reviewed By:



Anthony Cinque, Supervisor  
Bureau of Case Management

CC: Jim Haklar, USEPA Region 2  
Dennis Green, Woodbridge Twp, Dept of Hlth. & Hum. Svcs.  
David A. Papi, Middlesex County Public Health Dept.  
Mayor John E. McCormac, Woodbridge Township  
Jim Kealy, NJDEP, BEERA



**State of New Jersey**



CHRIS CHRISTIE  
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Case Management  
401 East State Street  
P.O. Box 420 Mail Code 401-05F  
Trenton, NJ 08625-0420

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt. Governor

Daniel Kopcow  
Weston Solutions Inc  
205 Campus Dr  
Edison, NJ 08837

November 15, 2011

**NOTICE OF DEFICIENCY**

Re: Northeast Impoundment Addendum Letter to the RAWP Addenda 3, dated May 18, 2011  
Hatco Chemical Corporation  
1020 King George Post Road  
Fords, Woodbridge Twp, Middlesex County, NJ  
SRP PI No.: G000003943, EA No.: RPC000001

Dear Mr. Kopcow:

The New Jersey Department of Environmental Protection (Department) acknowledges receipt of the Northeast Impoundment Addendum Letter to the RAWP Addenda 3, dated May 18, 2011 for the Hatco Site. The document was submitted in response to the Department's March 4, 2011 email requesting additional information on the proposed remedy strategy on the Northeast Pond now referenced by Weston as the Northeast Impoundment and previously known as AEC 7A (phthalic anhydride residue area). This document was submitted by Weston Solutions pursuant to the Administrative Consent Order (ACO) executed on May 2005 and the Technical Requirements for Site Remediation at N.J.A.C. 7:26E (TRSR).

**Deficiencies**

The Department has completed its review of this submittal and identified the following deficiencies:

**Deficiency:** N.J.A.C. 7:26E-6.3(a) - Failure to contain or stabilize contaminants in all media, as a first priority, to prevent contaminant exposure to receptors and to prevent further movement of contaminants through any pathway.

**Deficiency:** N.J.A.C. 7:26E-6.4(a) - Failure to document the effectiveness of the remedial action.

Specific information on these deficiencies is found in the comments below.

**1. Weston's Response to NJDEP Comment No. 3, Backfilling the Northeast Impoundment, Page 7; and Weston's Response to NJDEP Comment No. 6, Page 9:** The document states "the Northeast Impoundment will be backfilled with soils excavated and consolidated from other areas of concern (AOCs) with concentrations greater than 2 mg/kg dry weight PCBs and less than 500 mg/kg dry weight PCBs." Please note, as a general policy, the Department does not approve the use of the contaminated soil or non-soil material at a site if it will increase the contaminant concentrations present at a receiving AOC or introduce additional contaminants not already present at a receiving AOC. This limitation also applies to sites or AOCs that have previously been remediated. The purpose of this restriction is to eliminate the potential for creating "new" contaminated sites and discharges to groundwater as part of the site remediation process. This policy is discussed in the Department's Fill Guidance at SRP Sites dated August 2011 and can be found at [http://www.nj.gov/dep/srp/guidance/srra/fill\\_protocol.pdf](http://www.nj.gov/dep/srp/guidance/srra/fill_protocol.pdf). As such, the Department does not approve the backfilling of the Northeast Pond/Impoundment Area as proposed as it will result in this previously remediated AOC becoming more contaminated than current conditions.

In addition, the Department requires that the remaining contamination be remediated to complete the remedial activities started in 1988 that were never finished. The Department finds that historic post-excavation data indicates that though the majority of contaminated soils at AEC-7A (phthalic anhydride residue area) were excavated and remediated in 1988, some contamination still exists in the sidewalls of the former excavation. Historic post-excavation data suggests that the base of the excavation is as relatively "clean" with respect to PCBs. However, the Department finds that the historic post-excavation sidewall samples suggest that that PCBs and naphthalene contamination are still a concern along the edges of the former excavation. PCBs were detected in sidewall post-excavation samples at concentrations ranging from 1.3 ppm to 25 ppm; Naphthalene was detected at concentrations up to 24,000 ppm; and bis-(2-ethylhexyl) phthalate was detected at concentrations up to 280 ppm. Weston shall finish the remediation that was started in 1988 in the AOC now referenced as the Northeast Impoundment and formerly known as the Northeast Pond and/or AEC-7A phthalic anhydride residue area.

**2. Weston's Response to NJDEP Comment No. 5, Page 8:** The document states "Weston performed an order of magnitude analysis of Hatco soil sample results during development of the August 2009 Addendum 3 to the Consolidated RAWP. Naphthalene was identified as the only on-site Hatco soil contaminant with an order-of-magnitude change... Additionally the samples containing naphthalene above the 2008 SRS within the confines of the Northeast Impoundment remain in place pending final NJDEP approval of the remedial approach for this area." Since Weston has not specifically proposed any other remedial action for the naphthalene contamination in the Northeast Impoundment Area (aka AEC-7A); the Department can only assume that Weston intends to leave the material in-place. As noted, a review of the historic post-excavation soil data indicates that naphthalene was detected in the excavation bottom samples above the Department's 2008 Non-Residential Direct Contact Soil Remediation Standards (NRDCSRS) of 17 ppm. Further review indicates that elevated levels of naphthalene were detected in the historic post-excavation sidewall samples along the western edge of the Northeast Impoundment Area (AEC-7A) in historic borings R-24 (15,000 ppm), B-239 (24,000),



S-5 (4,000 ppm) and R-23 (3,300 ppm). The Department requests clarification on whether additional excavations are proposed within and along the western edge of the Northeast Impoundment Area as it relates to naphthalene.

**3. Weston's Response to NJDEP Comment No. 5, Page 8:** The document states "All soil samples shown on Attachment 8 which contain naphthalene above the applicable 2008 NRDCSRS have been remediated as part of Weston's 2010 excavation activities with two exceptions (i.e. rail siding and within the NE Pond)." This contradicts an earlier statement in the document that indicates that additional remedial activities associated with excavation X-137 in AEC-14 is still required. A review of the document suggests that naphthalene was detected in post-ex sidewall samples collected during the 2010 excavation of X-137 at concentrations up to 14,000 ppm (X-137-16). However, the Department also finds that this document now places AEC-14 within the proposed cap extent (Figure 5) such that additional excavation is not anticipated. The Department recalls that excavation of this area was proposed in order to shrink the overall extent of the cap. The Department requests clarification on when the excavation of the naphthalene as previously proposed at excavation X-137 in AEC-14 will be finished.

**4. Table 1, Column 3:** The heading for the third column in Table 1 is "2006 NJDEP NRDCSCC." However, the Department finds the information in the third column is actually the 1999 Non Residential Direct Contact Soil Cleanup Criteria (NRDCSCC). Weston shall revise the table to include the correct criteria/standard for each parameter.

**5. Figure 2 and 3:** Figures 2 and 3 compare historic and recent soil samples to the 1999 NRDCSCC of 4200 ppm for naphthalene. However, as previously referenced, Weston completed an order-of-magnitude review such that 2008 NRDCSRS of 17 ppm for naphthalene is more appropriate. Weston should revise the figures to include the correct criteria/standard for each parameter.

### **Corrective Actions**

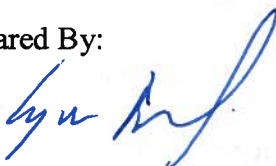
To correct these deficiencies please take the following actions or make the required submittals within the timeframes indicated:

Weston shall finish the remediation of the Northeast Impoundment Area (aka Northeast Pond and AEC-7A phthalic anhydride residue area) that was started in 1988 as referenced above. Weston shall also finish the remediation of AEC-14 Naphthalene Area that was started in 2010. Weston shall provide a schedule to implement the additional remedial activities at Northeast Impoundment Area (aka Northeast Pond and AEC-7A phthalic anhydride residue area) and to complete the remedial activities at AEC-14 Naphthalene Area within 30 days of receipt of this letter.

Note that if deficiencies included herein are not addressed to the Department's satisfaction within the specified time period the Department will consider them to be violations and may assess penalties pursuant to N.J.A.C. 7:26C-10, or pursuant to the terms stipulated in the ACO.

If you have any questions regarding this matter contact Lynn Vogel, Case Manager at (609) 984-5311, or at [Lynn.Vogel@dep.state.nj.us](mailto:Lynn.Vogel@dep.state.nj.us), prior to the date indicated.

Prepared By:



Lynn E. Vogel, PG, CHMM, Case Manager  
Bureau of Case Management

Reviewed By:



Anthony Cinque, Supervisor  
Bureau of Case Management

CC: Jim Haklar, USEPA Region 2  
Dennis Green, Woodbridge Twp, Dept of Hlth. & Hum. Srvs.  
David A. Papi, Middlesex County Public Health Dept.  
Mayor John E. McCormac, Woodbridge Township  
Jim Kealy, NJDEP, BEERA  
Anne Pavelka, NJDEP, BGWPA



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A

P.O. Box 420

Trenton, New Jersey 08625-0420

[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

JUN 28 2011

Daniel Kopcow, P.E.  
Weston Solutions, Inc.  
205 Campus Dr.  
Edison, NJ 08837

RE: Letter of Interpretation for a Footprint of Disturbance - **Modification**  
File No: 1225-02-0019.6 FWW110001 – LOI-FOD  
Applicant: Weston Solutions, Inc.  
Block: 67 Lot: 100.01 (formerly block 67 Lot 100-A)  
Woodbridge Township (Fords), Middlesex County

Dear Mr. Kopcow:

This letter is in response to your request for a Letter of Interpretation for a footprint of disturbance from the Division of Land Use Regulation indicating the presence or absence and location of freshwater wetlands, waters and transition areas within the proposed area of disturbance and not the entire block and lot. **This letter supersedes the Department's June 14, 2011 letter for the referenced site, such letter missing certain standard Department language.**

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, Division of Land Use Regulation is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retains the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Waters are present within the footprint of disturbance. The Freshwater Wetlands Protection Act Rules defines State open waters (SOW) and 'waters' that the Department shall determine on a case-by-case basis not to be regulated under the Act. This determination is based on specific criteria contained within the definition. One criteria for SOW that the Department must consider is for water-filled depressions created in dry land incidental to construction or remediation activity and pits excavated in dry land for the purposed of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of 'waters of the United States'. The water feature inside the footprint of disturbance was formed from runoff and rain water entering an area that was excavated as part of a remedial action for naphthalene contamination in 1988. Historical aerials prior to 1988 were reviewed and the area appears in the aerials to be uplands. Construction or excavation activities have not been abandoned since the applicant is actively pursuing with the Department remedial action for this portion of the site. Data forms for observations of the surrounding excavated area were included in the application and based on this information the area delineated does not meet the three parameter approach that defines freshwater wetlands. The land area

along Slingtail Creek was not delineated, however considering steepness of the slope from the excavated area to the creek and photos provided in the application, there is no indication that wetland features are present. If wetlands are actually present, considering the steepness of the slope any wetlands present would likely be considered fringe and the transition area along most of this length is outside of the footprint of disturbance.

Based upon the information submitted, and upon a site inspection conducted by the staff of the Division on November 30, 2010, the Division of Land Use Regulation has determined that freshwater wetlands, transition areas and State open waters are not present within the proposed area footprint as shown on the attached plan entitled "REMEDIATION – HATCO SITE PROPERTY NOW OR FORMERLY OF FUSS CORPORATION BLOCK 67 ~ LOT 100.01 (formerly BLOCK 67 LOT 100-A) 1020 KING GEORGES POST ROAD TOWNSHIP OF WOODBRIDGE ~ COUNTY OF MIDDLESEX ~ STATE OF NEW JERSEY MAP DEPICTING – NORTHEAST POND FOOTPRINT OF DISTURBANCE", dated March 18, 2011, last revision dated May 16, 2011 Sheet No. SP-1 and prepared by Patrick A. Cibellis, Jr. of CHA, Inc. In addition, waters regulated under the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-2.2 are present as shown on the approved plans. It should be noted that these waters will require a riparian buffer under the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1.

Pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A-1 et seq.), you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on this site. Also this determination does not affect your responsibility to obtain any State, Federal, county or municipal permits which may be required.

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, 401 East State Street, P.O. Box 402, Mail Code 401-04L Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist. If a person submits the hearing request after this time, the Department shall deny the request. The DEP bulletin is available through the Department's website at [www.state.nj.us/dep](http://www.state.nj.us/dep).

Please contact Eric Sussman of our staff at (609) 777-0454 or e-mail at [eric.sussman@dep.state.nj.us](mailto:eric.sussman@dep.state.nj.us) should you have any questions regarding this letter. Be sure to indicate the Division's file number in all communication.

Sincerely,

  
Daniel Bello, Supervising Environmental Specialist  
Central Region  
Bureau of Inland Regulation

c: Woodbridge Township Municipal Construction Official w/ plan  
Woodbridge Township Municipal Clerk  
David Sumba – NJDEP/BCLUCE

ATTACHMENT 4

WESTON RESPONSE DOCUMENTS  
RE: NORTHEAST IMPOUNDMENT ADDENDUM



**WESTON SOLUTIONS, INC.**  
205 CAMPUS DRIVE  
EDISON, NEW JERSEY 08837  
732-417-5800 • FAX: 732-417-5801

***The Trusted Integrator for Sustainable Solutions***

April 17, 2012

Henry A. Mazzucca  
U.S. Environmental Protection Agency, Region II  
Pesticides & Toxic Substances Branch  
2890 Woodbridge Avenue  
Bldg. 10 (MS-105)  
Edison, NJ 08837-3679

**Re: Response to NJDEP and USEPA Northeast Impoundment Concerns  
Hatco Corporation Site  
Fords, New Jersey**

Dear Mr. Mazzucca:

This letter provides Weston Solutions, Inc.'s (Weston) response to information requested by James Haklar of the United States Environmental Protection Agency (USEPA) in a February 28, 2012 email and subsequent February 29, 2012 progress meeting.

At the request of the NJDEP and USEPA, Weston evaluated on-site soils slated for potential backfill material within the Northeast Impoundment, including:

- Option 1: Proposed excavation material designated as containing less than 500 milligrams per kilogram (mg/kg) PCBs, as identified in Weston's 2009 Addendum 3 to the RAWP, which have not yet been excavated; and,
- Option 2: Overburden soils from the eastern leg of the LNAPL area. PCB concentrations in these soils slated for excavation range from 2.0 – 380 mg/kg, with higher-concentration PCBs found in the overburden soils.

After discussions with USEPA, Weston has agreed that any LNAPL overburden soils will not be re-used as backfill material in the Northeast Impoundment. Instead, lower-concentration soils will be re-used in the Northeast Impoundment.

At the request of the NJDEP, Weston performed a statistical analyses on the remaining on-site soils designated for emplacement as fill within the Northeast impoundment (Option 1 presented above). Weston determined that the average PCB concentration in soils slated for re-use as backfill ranged from 2.0 mg/kg to 25 mg/kg, with a 75<sup>th</sup>-percentile concentration of 12 mg/kg. Additionally, Weston calculated a concentration of 13.41 mg/kg as the 95% upper confidence limit (UCL) for these soils.

In order to meet USEPA requirements for bulk PCB remediation waste in high occupancy areas as outlined in 40 CFR Part 761, Section 61, Paragraph (a)(4)(i), Weston proposes to utilize only soils containing 10 mg/kg or less for PCBs as backfill material for the Northeast Impoundment. These materials will subsequently be capped as part of Weston's final engineered cap for the Hatco site. Excavated materials containing PCB concentrations greater than 10 mg/kg will be placed within the



Mr. Mazzucca  
USEPA

April 17, 2012

former lagoon area and capped, or utilized as backfill material for non-wetland portions of the eastern leg of the LNAPL plume excavation (which falls within the extent of the final engineered cap, as proposed in Addendum 3 to the RAWP).

Excavations which may be utilized as backfill material for the Northeast Impoundment are identified in the summary table below, and discussed in Weston's 2009 Addendum 3 to the RAWP.

| Excavation # | Estimated Depth (feet below ground surface) | Estimated Volume (yd <sup>3</sup> ) | PCB Concentration Range (mg/kg) | Contains Non-PCB Contamination? |
|--------------|---|-------------------------------------|---------------------------------|---------------------------------|
| X003         | 2   | 100                                 | 0.5 - 7.5                       | No                              |
| X005         | 2   | 416                                 | 0.07 - 3.4                      | No                              |
| X007         | 3   | 333                                 | 0.5 - 4.6                       | No                              |
| X018         | 4   | 533                                 | 0.77 - 6.0                      | No                              |
| X020         | 3   | 143                                 | 0.11 - 7.3                      | No                              |
| X130         | 3   | 167                                 | 0.5 - 3.9                       | No                              |
| X133         | 2   | 143                                 | 1.1 - 2.7                       | No                              |

PCB-containing soils on the Channel D parcel remain an additional option for backfill material, to be placed within the Northeast Impoundment, provided the soils contain only Hatco-related contamination and meet the requirements for concentration limits established by the USEPA. However, additional Channel D investigation is ongoing and the data set is under review.

Please provide me a written approval for this approach so we may proceed with the remediation. Please contact me at (732) 417-5834 if you have any questions or comments.

Very truly yours,

WESTON SOLUTIONS, INC.

Daniel Kopcow, P.E., PMP  
Project Manager

cc: Mark Fisher (LSRP), ELM  
Jim Haklar, USEPA Region 2  
P. Meyer, S. Castles, K. Etela – Chemtura/Hatco  
S. Piatkowski, A. Karp, G. Kramer, V. Puranapanda - ACE  
K. Robbins - HDR



**From:** Kopcow, Daniel  
**Sent:** Wednesday, May 30, 2012 7:38 AM  
**To:** 'James Haklar'  
**Subject:** RE: For Tomorrow

Jim, four our call today:

We will perform the excavation in two-foot cuts and collect re-use samples accordingly, prior to using the material in the impoundment. We will not be placing material with PCBs above 10 ppm in the NE impoundment. For all potential re-use excavation areas, we will perform an additional query of our database to ensure those areas we selected as fill, plus any new ones that may arise from Channel D, contain NO historical samples above the 10 ppm limit. This re-query will be performed along with re-use sample collection as specified in RAWP Addendum 3, to ensure no materials above 10 ppm are re-used as fill in the NE impoundment.

It looks like X130 was mistakenly included as a residual excavation from when the PCB limit was higher. For some reason the upper value in the memo we provided to you was shown as 3.9, which is incorrect. Sorry about the confusion. We will not be including X130 into the impoundment.

Daniel Kopcow, P.E., PMP, LSRP  
Weston Solutions, Inc.  
205 Campus Drive  
Edison, NJ 08837  
[daniel.kopcow@westonsolutions.com](mailto:daniel.kopcow@westonsolutions.com)  
Voice: 732-417-5834  
Fax: 732-417-5801  
Cell: 267-288-3469

**From:** James Haklar [<mailto:Haklar.James@epamail.epa.gov>]  
**Sent:** Tuesday, May 29, 2012 1:59 PM  
**To:** Kopcow, Daniel  
**Subject:** For Tomorrow

Dan,

Looking at the list of excavations in your letter and comparing to the data in Addendum 3 (Figures SP-1 and Figure 7), it seems that there are two excavations (X018 and X020) where you have data to 2 feet yet you are digging deeper than that (4 and 3 feet). How are you going to ensure that none of the excavated material contains less than 10 ppm? Also, at X130 it looks like the maximum level of PCBs is listed as 11.3 ppm, so how can you dispose of it in the NE impoundment?.

Just wanted to give you a heads-up on these items.

Jim

James S. Haklar, Ph.D.  
Sr. PCB Disposal Specialist  
Division of Enforcement and Compliance Assistance

(732) 906-6817

From: "Kopcow, Daniel" <[Daniel.Kopcow@WestonSolutions.com](mailto:Daniel.Kopcow@WestonSolutions.com)>  
To: James Haklar/R2/USEPA/US@EPA  
Date: 05/25/2012 02:25 PM  
Subject: Re: Hatco

---

Have a great weekend.

Sent from my iPhone

On May 25, 2012, at 2:24 PM, "James Haklar" <[Haklar.James@epamail.epa.gov](mailto:Haklar.James@epamail.epa.gov)> wrote:

Good for me - thanks!

From: "Kopcow, Daniel" <[Daniel.Kopcow@WestonSolutions.com](mailto:Daniel.Kopcow@WestonSolutions.com)>  
To: James Haklar/R2/USEPA/US@EPA  
Date: 05/25/2012 02:23 PM  
Subject: Re: Hatco

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How about 9 am on Wednesday? I'll call your office.

Sent from my iPhone

On May 25, 2012, at 2:20 PM, "James Haklar" <[Haklar.James@epamail.epa.gov](mailto:Haklar.James@epamail.epa.gov)> wrote:

Dan - Since we keep missing each other, let's schedule a time to talk. Are you around on Wednesday? At this point I'm free all day.

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